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Representative/Recent Case Results

Appellate Arguments

Argued before the Illinois Supreme Court on March 15, 2017. Represented Pi Kappa Alpha International Fraternity, Pi Kappa Alpha Corporation, and the Eta Nu chapter at Northern Illinois University in *Bogenberger v. Pi Kappa Alpha, et. al.*, Docket Nos. 120951, 120967 & 120986. Case arose from the alcohol-related death of a student during a social event at the Eta Nu chapter house in November 2012. At issue in the case is the state of social host liability law in Illinois, as well as the scope of the Hazing Act.

Argued before a three-justice panel of the Court of Appeals for the Seventh Circuit on January 11, 2017. Represented Church Mutual Insurance Company in *Olivet Baptist Church v Church Mutual Insurance Co.*, 16-1689, a breach of contract and statutory bad faith case. Won summary judgment for Church Mutual on all counts, and appellate court affirmed summary judgment on January 13, 2017, just two days after argument.

Verdicts - Circuit Court of Cook County, Illinois

Solo trial attorney in defense of bodily injury cases in which plaintiffs alleged permanent neck and back injuries and sought six-figure jury verdicts in excess of applicable policy limits. Both cases involved suspicious chiropractic and diagnostic care, which in some instances was never provided, despite being billed. Jury returned verdicts in favor of plaintiffs in each case but awarded just a fraction of medical bills; both verdicts were well below settlement authority. (*Hilario-Sotero v Wozniak*, 15 L 2910, 2017; *Fox, et. al. v. Berryman*, 14 M1 300835, 2016)

Solo trial attorney in chancery declaratory judgment action seeking a declaration that State Farm owed no coverage in an uninsured motorist claim because the insured claimants breached the Concealment or Fraud provision of the applicable policy by lying about material facts. The Court entered judgment in favor of State Farm on all counts. (*State Farm v. Johnson and Nichols*, 14 CH 13543, 2016)

Solo trial attorney in defense of three bodily injury cases in which each plaintiff alleged significant permanent injuries and sought six-figure jury verdicts well in excess of applicable policy limits. Each case involved suspicious medical care, including multiple epidural injections to spinal discs. Negligence was admitted in all three cases, and in each case the plaintiff demanded full policy limits in settlement of the case. Jury returned a verdict in favor of the plaintiff in each case but awarded just a fraction of medical bills; all three verdicts were well below policy limits. (*Ponce v. Schnell*, 09 L 015581, 2012; *Avila v. Zubia*, 09 L 6076, 2012; *Medina v Wenc*, 09 L 5046, 2013)

Solo trial attorney in trial of declaratory judgment action alleging an insured committed intentional, material misrepresentations in the submission of a hit and run uninsured motorist claim. Court returned verdict in favor of State Farm and declared the insured voided coverage as a result of his misrepresentations. (*State Farm v. Johnson*, 14 CH 13543, bench trial, 2016)

Solo trial attorney in defense of insurer in a breach of contract and statutory bad faith lawsuit arising from the denial of a fire claim on the basis of fraud and intentional acts policy defenses. Plaintiff sought half a million dollars in damages; jury returned a verdict in favor of State Farm. (*Watt v. State Farm*, 04 L 3377, 2007)

Representative/Recent Case Results (Continued)

Summary Dismissals: Circuit Court of Cook County, Illinois

Obtained dismissal of plaintiff's Complaint with prejudice on behalf of the Pi Kappa Alpha International Fraternity in a multi-million dollar wrongful death lawsuit arising from the death of a college student at Northern Illinois University in 2012. Case is on appeal. (*Bogenberger v. Pi Kappa Alpha International Fraternity, et. al.*, 13 L 1616)

Obtained dismissal of plaintiff's Complaint with prejudice in a breach of contract and statutory bad faith lawsuit arising from the denial of a claim on the basis of the insured's failure to cooperate in the investigation of a stolen custom motorcycle claim. Dismissal affirmed on appeal [*Piser v. State Farm*, 08 L 9784; 405 Ill.App.3d 341(2010)]

Obtained summary judgment in favor of insurer in a declaratory judgment action. Plaintiff alleged significant permanent injuries and almost a million dollars in damages as a result of being struck by an underinsured motorist while working as a delivery driver. Argued successfully that the claimant did not satisfy the definition of an insured under the underinsured motorist provision of the applicable policy. Summary judgment affirmed on appeal [*Zurich American Insurance Co. v. Lukacs*, 11 CH 25269; 2013 IL App (1st) 130664-U (2103)]

Obtained summary judgment in favor of insurer in a breach of contract and statutory bad faith lawsuit arising from the denial of a stolen vehicle claim on the basis of fraud and intentional acts policy defenses. Plaintiff did not appeal the dismissal. (*Vastis v. State Farm*, 11 M1 123784)

Obtained summary judgment on behalf of the City of Harvey in a multiple-count civil rights lawsuit in which plaintiffs alleged that the City committed an unconstitutional taking of their land during the enforcement of public nuisance ordinances. Summary judgment affirmed on appeal [*Brewer v. City of Harvey*, 06 L 50892; 236 Ill.2d 502 (2010)]